

Paper No. 638  
Disposes of  
Oral Application in Open Court.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	)	ORDER:
	)	IN RE: ORAL APPLICATION
- vs -	)	OF THE DEFENSE TO PRODUCE
	)	OGIYA, YORIO, AS A WITNESS
ARAKI, Sadao; et al	)	FOR CROSS EXAMINATION.

This matter coming on to be heard by the Tribunal, in Open Court, on the 3rd day of January, 1947, upon the oral application of the accused TOJO, Hideki, by his Counsel of record, for himself and on behalf of those other accused similarly situated, for an order of the Tribunal to summon OGIYA, Yorio, to appear before the Tribunal in Open Court as a witness in this case for the purpose of cross examination by the accused TOJO, Hideki, and by other accused similarly situated, or their respective Counsel of record; and it appearing to the Tribunal that on the 3rd day of December, 1946, certain testimony of the said OGIYA, Yorio, was introduced into evidence in this case and made a part of the record by the Prosecution in the form of a sworn affidavit made and executed by the said OGIYA, Yorio, and dated the 8th day of February, 1946, which sworn affidavit is identified as Prosecution document No. 8223-A, and Court Exhibit No. 1925-A; and the Tribunal hearing the arguments of Counsel, and being fully advised in the premises; it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That said oral application for the issuance of a summons to produce before the Tribunal OGIYA, Yorio, be granted; and it is further

ORDERED: That a summons be issued forthwith, by the General Secretary of the Tribunal, commanding said OGIYA, Yorio, to attend and testify under cross examination by the accused TOJO, Hideki, and other accused in like circumstances, before said Tribunal.

Dated at Tokyo, Japan, this 6 January, 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

SITTING:

The Honorable Sir William Webb  
The Honorable Mr. Justice Northcroft  
Lord Patrick  
Major General of Justice I. M. Zaryanov  
Major General Myron C. Cramer  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice Pal

NOT SITTING:

The Honorable Mr. Justice Roling  
The Honorable Mr. Justice Mei  
The Honorable Mr. Justice Jaranilla